

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MAYFLOWER TRANSIT, LLC, )  
)  
Plaintiff, )  
)  
v. ) Case No. 4:23-cv-00708  
)  
BRENDAMOUR MOVING & )  
STORAGE, INC., et al., )  
)  
Defendants. )

ZOOM VIDEOTAPED DEPOSITION OF PAUL  
OWENS, a Witness, taken individually and as  
Corporate Representative of BRENDAMOUR LOGISTICS,  
LLC, pursuant to Federal Rule of Civil Procedure  
30(b)(6) on behalf of the Plaintiff before  
Peggy E. Corbett, CSR, CCR, RDR, pursuant to  
Notice on the 14th day of November, 2023, at the  
residence of the witness in Cincinnati, Ohio.

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VIDEOGRAPHER: Ms. Beth Scutti

18

I N D E X

WITNESS:

PAGE

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PAUL OWENS

20

EXAMINATION BY MR. LAMPING

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1 (Deposition commenced at 2:05 p.m.)

2 THE VIDEOGRAPHER: Good afternoon.

3 We are going on the record at 2:05 p.m. Central  
4 on November 14th, 2023. Please note that this  
5 deposition is being conducted virtually. The  
6 quality of recording depends on the quality of  
7 camera and internet connection of participants.  
8 What is seen from the witness and heard on screen  
9 is what will be recorded. Audio and video  
10 recording will continue to take place, unless all  
11 parties agree to go off the record.

12 This is Media Unit 1 of the video  
13 recorded deposition of Paul Owens taken by  
14 counsel for plaintiff in the matter of Mayflower  
15 Transit, L.L.C. versus Brendamour Moving &  
16 Storage, Inc. et al. filed in the United States  
17 District Court, Eastern District of Missouri,  
18 Eastern Division, Case Number 4:23-cv-00708.

19 This deposition is being conducted  
20 remotely, using virtual technology. My name is  
21 Bethany Scutti representing Veritext, and I am  
22 the videographer. The court reporter is Peggy  
23 Corbett from the firm Veritext.

24 I am not authorized to administer an  
25 oath, I am not related to any party in this

1 action, nor am I financially interested in the  
2 outcome. If there are any objections to  
3 proceeding, please state them at the time of your  
4 appearance.

5 Counsel and all present will now state  
6 their appearances and affiliations for the  
7 record, beginning with the noticing attorney, and  
8 then will the court reporter please swear in the  
9 witness.

10 MR. LAMPING: Brian Lamping and  
11 Christine Schlegl for the plaintiff.

12 MR. LUEPKE: Henry Luepke for Paul  
13 Owens.

14 MS. GUGINO: Julie Gugin for  
15 Michael Brendamour.

16 PAUL OWENS,  
17 a Witness, being first duly remotely sworn,  
18 testified under oath as follows:

19 EXAMINATION

20 BY MR. LAMPING:

21 Q. Good afternoon, Mr. Owens.

22 A. Good afternoon.

23 Q. My name is Brian Lamping. You and I  
24 have never met, but I am one on the attorneys  
25 representing Mayflower in this case. Will you

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1 please state your full name for the record.

2 A. Paul Thomas Owens, II.

3 Q. And I'll do my best to call you  
4 Mr. Owens today, but if I slip up and call you  
5 Paul, will you forgive me?

6 A. Feel free to call me Paul if you would  
7 like.

8 Q. All right. Mr. Owens, where are you  
9 physically located right now?

10 A. Cincinnati, Ohio.

11 Q. And where specifically, at a residence,  
12 at an office?

13 A. Yes, in my residence.

14 Q. Okay. I've just got to ask but is  
15 anyone else in the room with you?

16 A. No, sir.

17 Q. Okay. And you are represented by  
18 counsel here today who is in St. Louis; is that  
19 right?

20 A. I am represented by counsel. I am  
21 assuming that Bud is in St. Louis, yes.

22 Q. Okay. You understand that you are here  
23 giving some testimony under oath related to a  
24 lawsuit that my client filed a few months ago?

25 A. Yes, sir.

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1 Q. Did Brendamour Logistics while it was an  
2 operating company do business under any d/b/a's?

3 A. No.

4 Q. And Mr. Owens, you are located in  
5 Cincinnati right now; is that right?

6 A. Yes.

7 Q. And is that where your full-time  
8 residence is?

9 A. Yes.

10 Q. Can you walk me through your educational  
11 background after high school?

12 A. I have a Bachelor's degree in accounting  
13 from Miami University of Ohio.

14 Q. And what year did you obtain that  
15 degree?

16 A. Jimini, it would have been 1992 or '93,  
17 and I apologize that I am not sure.

18 Q. That's all right.

19 A. I'm sure it's one of those two.

20 Q. Okay. When did you first go and work  
21 for an entity that was affiliated or related to  
22 the Brendamour let's sort of call it group of  
23 companies?

24 A. April 1st, 2003.

25 Q. And what specific company did you go to

1 A. No. Tim is a very good person.

2 Q. Okay. Now you said that the two  
3 companies were separate. I assume while you were  
4 and are General Manager of Brendamour Moving &  
5 Storage, you're primarily physically located in  
6 Cincinnati, Ohio, right?

7 A. Yes.

8 Q. And you understand that Brendamour  
9 Logistics was an agent of Mayflower?

10 A. No. Brendamour Moving & Storage is an  
11 agent of Mayflower.

12 Q. Oh, what did I say?

13 A. You said Brendamour Logistics, yes, sir.

14 Q. I'm sorry, I think we're done with  
15 Logistics. I don't have any more questions about  
16 Logistics.

17 A. I apologize.

18 Q. And no, no, and I promise you I was not  
19 trying to sneak something in there, but if I  
20 refer to Logistics again for the rest of the day,  
21 I beg your pardon.

22 A. Okay.

23 Q. Let me back up.

24 A. It was just a little confusing. Yes, I  
25 am aware that --



1 Brendamour Moving & Storage, did you ever have  
2 occasion to come to Missouri to visit Mayflower?

3 A. Once.

4 Q. When was that?

5 A. I don't know, right around sometime in  
6 2005 would be my guess.

7 Q. Okay.

8 A. Yeah, I think it was 2005.

9 Q. Okay. In order for, kind of switching  
10 gears a little bit, in order for the scheme to  
11 work, somebody had to enter transaction data into  
12 the Mayflower system, correct?

13 A. Yes.

14 Q. While the scheme was on-going, who was  
15 responsible for doing that?

16 A. The -- again, I have never personally  
17 logged into the Mayflower system, so I don't  
18 know. I don't know the intricacies of how it  
19 worked, but people, I provided in the discovery  
20 the systems that have had access, but as I'm  
21 recalling the names were Terry Harrell, Rianna or  
22 Ri, George, and then Art Whalen, and then Chuck  
23 Wolfe did, as well, until he passed away in 2012.

24 Q. Obviously, we've established that the  
25 owners of Brendamour didn't know about the

1 Q. And what do you recall telling them  
2 about the schemes?

3 A. I just basically made them aware of the  
4 situation and I mean that was pretty much it.

5 Q. Who else other than you, Doug and Dave  
6 was present during the meeting?

7 A. Just us.

8 Q. How did they react when you told them  
9 about the scheme?

10 A. Well, as you can imagine, first and  
11 foremost it's not very simple to understand for  
12 someone who is not well versed in the Mayflower  
13 process, so there was some, you know, there was a  
14 significant amount of initial difficulty in  
15 understanding, and then there was also a  
16 significant level of, you know, whatever word  
17 you'd want to use, anger, disappointment,  
18 somewhere in there, and that was pretty much it.

19 Q. And you, in your position as general  
20 manager, you were well versed in the Mayflower  
21 agency reconciliation process, fair?

22 A. Other than the fact that I had never  
23 logged into the Mayflower system, correct.

24 Q. Yeah. You may not have logged into the  
25 system, you may not have actually entered in some

1 of the charges, but you understood generally how  
2 entering the inflated charges is part of the  
3 scheme would benefit Mayflower Moving & Storage.

4 A. Yes, I understood how it would have  
5 benefitted the company.

6 Q. If it would have hurt the company,  
7 obviously, you wouldn't have done it, fair?

8 A. Correct.

9 Q. After your meeting with Doug and Dave  
10 Brendamour, did you talk to anyone else about the  
11 scheme before you went and met with Tim Grimes?

12 A. I spoke to Doug and Dave again the next  
13 business -- as I recall, the first meeting was on  
14 a Friday, the next one was on a Monday, and  
15 during that meeting, and it might have been the  
16 first meeting, I'm not sure, but as I recall it,  
17 there was a second meeting and at that point it  
18 was decided that I would call and reach out to  
19 Tim to try to schedule a meeting, with the  
20 objective again to make them aware of the  
21 situation, gain his knowledge and expertise in  
22 how to best interact with Mayflower regarding the  
23 situation, and then to hopefully lay the  
24 groundwork to move forward in an on-going  
25 business with Mayflower.

1 can't answer it with a "yes" or "no" answer, but  
2 technically, yes; however, a major impact to this  
3 was in September, roughly September of 2016,  
4 Mayflower started taking a percentage against  
5 those particular billing codes that we are  
6 speaking which essentially caused the numbers to  
7 go, for lack of a better word, wild.

8 And so that played a role in it getting  
9 what ended up being out of hand. We had,  
10 essentially we were, we have actually, so if you  
11 take the charges out, the charges out that we put  
12 through, you know, the inaccurate charges that we  
13 put through, we actually paid Mayflower more over  
14 this period of time than what they would have  
15 earned.

16 Q. Yeah, no, I understand that's your  
17 position, but I guess what I'm getting at, and I  
18 think you've acknowledged it, but if you go from,  
19 if you look at 2010 to 2023 as a spectrum, the  
20 scheme grew in scale over time and really grew in  
21 scale after the accessorial percentages changed  
22 in 2016?

23 A. Right, it did, but there was also, it  
24 would be important to note that at that point  
25 cash wasn't changing hands.

1 Q. I understand.

2 A. Brendamour, the company, was sending  
3 money back to Mayflower at that point and  
4 essentially dwindling what would have been, you  
5 know, the earned difference if you will.

6 Q. Okay. So was your decision to go and  
7 talk to Doug and Dave Brendamour and then  
8 ultimately talk to Tim Grimes based on the fact  
9 that the scheme was essentially getting out of  
10 control as you put it?

11 A. Yes, in essence, yes.

12 Q. All right. So and I think I covered  
13 this, but I just want to make sure, the Luxottica  
14 Lenscrafters accounts, the charges that were  
15 agreed upon with the customer were accurately  
16 entered into the Mayflower system; is that right?

17 A. Yes, and Mayflower, the Mayflower  
18 invoice was sent to the customer and the customer  
19 paid Mayflower.

20 Q. Perfect, all right, and you've led me to  
21 kind of my next topic, which is for the -- in a  
22 given transaction, when it's logged into the  
23 system, initially am I correct that Mayflower  
24 will generate an invoice?

25 A. Yes.

1 A. Okay.

2 Q. Who decided the inflated amount that was  
3 represented to Mayflower, how was that amount  
4 determined?

5 A. Well, we were aware of what the, in  
6 short, we were aware of what the numbers needed  
7 to be, and so we made the numbers what they  
8 needed to be.

9 Q. Precisely. So when you say you knew  
10 what the numbers needed to be, you knew what the  
11 value of that transaction needed to be to have an  
12 offset on an agency statement that would work in  
13 Brendamour Moving & Storage's favor?

14 A. For a period of time, and then there  
15 came a time where we started basically paying the  
16 monies back. So at some, you know, at that point  
17 we were making it so that there was a specified  
18 shortfall.

19 Q. So is it your testimony that at some  
20 point, the scheme started benefitting Mayflower?

21 A. Well, the -- okay, so during the time,  
22 during the timeframe that we were in a, basically  
23 borrowing money from Mayflower if you will,  
24 Mayflower on earned revenue, not inflated  
25 revenue, but earned revenue made about \$3 million

1 dollars on our work.

2 So I would argue, you know, and we would  
3 not have had the work, we could not have serviced  
4 the work without capital. So I am unaware of  
5 Mayflower's financial statements, and how they  
6 published them and all of those kind of things.  
7 So for me to speak on the impact of the  
8 inaccurate entries, I cannot do that.

9 But on the act of securing the business  
10 and servicing the business, yes, I would say that  
11 had we not done this, we would not have had the  
12 business, and Mayflower would not have earned  
13 that money.

14 Q. Well, in fairness, there are a lot of  
15 different ways that a company can obtain capital,  
16 fair?

17 A. Yes.

18 Q. And do you ever remember saying to  
19 Mr. Grimes that the way this scheme worked, was  
20 essentially like using Mayflower as a bank?

21 A. I have used that, not just to  
22 Mr. Grimes, but to others, as well.

23 Q. Okay.

24 A. However, however, please realize that I  
25 am doing that merely to expedite the curve of

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1 the record, this begins Media 2. Time is 3:49  
2 p.m.

3 Q. (BY MR. LAMPING) All right, Mr. Owens,  
4 of the transactions that were mis-reported in the  
5 Mayflower system as part of the scheme, were all  
6 of those real transactions or were any of them  
7 just completely fabricated?

8 A. I believe you're asking if there were  
9 any order numbers in their entirety that were  
10 fabricated; is that correct?

11 Q. Correct.

12 A. No; every order that was entered was an  
13 actual order.

14 Q. Okay, and with respect to the false  
15 information that was entered into the Mayflower  
16 system, did you start with an actual order and  
17 then inflate the services provided on that order  
18 to get to the inflated number?

19 A. Yes, using specific billing codes, three  
20 specific billing codes, yes.

21 Q. And what were those three specific  
22 billing codes?

23 A. As I stated earlier, I don't have them  
24 committed to memory. I was not the one doing  
25 the -- making the entries. I'm sorry.



1 Q. Okay.

2 A. And those items, the one invoice that  
3 you showed me earlier as an example, all of those  
4 items are rolled up into that number.

5 Q. Okay. All right, Mr. Owens, I  
6 appreciate your time this afternoon. At this  
7 time, I have no more questions.

8 MR. LUEPKE: Julie, do you have any  
9 questions.

10 MS. GUGINO: Yeah, I do have a few  
11 questions, but I didn't know if you wanted to ask  
12 any questions, Henry.

13 EXAMINATION

14 BY MR. LUEPKE:

15 Q. My only question, Mr. Owens, is these  
16 transactions that you discussed, the actions that  
17 you took, did you take any of these actions or  
18 engage in any of these transactions in any role  
19 other than as General Manager of Brendamour  
20 Moving & Storage?

21 A. No. Everything that I -- that was done  
22 here was done as a part of my role as the General  
23 Manager of Brendamour Moving & Storage.

24 Q. I have no further questions.

25 EXAMINATION